

Application Title: Baseball Batting Slide
Device
Inventor: Barth, Gary A.
Serial No. 10/695,389
Filing Date: 10/28/2003
Examiner: Aryanpour, Mitra
Art Unit No.: 3711

II. REMARKS:

a. **Regarding Objections to the Drawings and Claim Rejections Under 35 U.S.C. §112 ¶1:**

The Office Action rejects the drawings on the grounds that they do not show the elastomeric bungee cord heel stirrup having both ends attached to the stirrup, as claimed. Claims 17-20 are also rejected under 35 U.S.C. §112 ¶1 as failing to comply with the enablement requirement because, according to the Office Action, Figures 1 and 2 depicting said claimed embodiments do not show means for releasably anchoring the tethering strap to the substratum, nor do Figures 1 and 2 show an elastomeric bungee cord heel stirrup having both ends attached to the stirrup. Claims 17-20 have been withdrawn.

b. **Regarding Claim Rejections Under 35 U.S.C. §102(b) and §103(a), and Claim Amendments:**

Claims 1 -9 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,938,492 issued to Carlini. However, although Carlini discloses a flexible tether, elastomeric tethering is not disclosed or inherent in Carlini. Moreover, anchoring means that release upon substantial destabilizing hindrance is not disclosed or inherent in Carlini; the amendment to claim 1 clarifies this distinguishing characteristic, and overcomes said rejection of claim 1 and claims depending therefrom.

Claims 10 and 14-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Carlini. The amendment to claim 1 and the distinguishing characteristic set forth in the immediately preceding paragraph overcomes these rejections.

Application Title: Baseball Batting Stride
Device
Inventor: Barth, Gary A.
Serial No. 10/695,389
Filing Date: 10/28/2003
Examiner: Aryanpour, Mitra
Art Unit No.: 3711

c. **Regarding Allowable Subject Matter:**

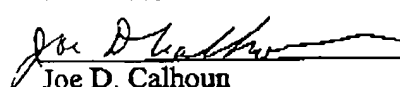
Claims 11-13 were objected to as being dependent upon a rejected base claim, but they would be allowable if rewritten in independent form. Applicant understands that the amendment of claim 1 makes such re-writing of claims 11-13 unnecessary.

IV. CONCLUSION

Applicant respectfully submits that the contentions and amendments set forth and discussed hereinabove fully satisfy all rejections set forth in the Office Action. Applicant thanks the Examiner for her assistance in this matter. Applicant believes that, since all rejections concerning claims 1-16 have been satisfied, said claims are in condition for allowance. Claims 17-20 are cancelled with a reservation of rights to pursue patenting thereof in a separate application.

Respectfully submitted by:

CALHOUN LAW FIRM
P.O. Box 251504
Little Rock, AR 72225
501-374-1700
Telefax to 501-221-7058

 4-15-05
Joe D. Calhoun
[Patent Bar Reg. # 40,293]

cc: Gary Barth